

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED

2010 NOV 12 AM 10:34

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

Kew

United States of America)

v.)

Rene Rivera-Hernandez (1))

Julian Baustista-Serrano (2))

Juan Morales-Tavira (3))

Case No.

A 10-m-862

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 11, 2010 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

Code Section

Title 21 USC Section 841 (a)(1) and
846.

Offense Description

knowingly, intentionally, and unlawfully conspire with others known and
unknown to possess with the intent to distribute a controlled substance, to
wit: cocaine.

This criminal complaint is based on these facts:

See attachment

☒ Continued on the attached sheet.

mhill

Complainant's signature

Michael Hill, SA DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/12/2010

Robert Pitman

Judge's signature

City and state: Austin, Texas

Robert Pitman, US Magistrate

Printed name and title

ATTACHMENT A

I am a criminal investigator/special agent employed by the Drug Enforcement Administration (DEA). I have worked for the DEA for over 19 years and I am currently assigned to the Narcotics Conspiracy Team of the Austin Police Department. During the course of my duties, I have learned the following information from my observations and from detectives that I have worked with during this investigation:

On November 11, 2010, Detective Howard Staha of the Austin Police Department directed an Austin PD Confidential Informant (CI) to arrange for the delivery of two kilos of cocaine from Rene Hernandez and Julian Bautista. During the arrangements, the CI agreed to meet with Hernandez at the International Residence Apartments located at 9815 Copper Creek Drive, Austin, Texas. It should be noted that Hernandez worked as a caretaker at the apartment complex.

Investigators had previously established surveillance around a residence located at 23007 Beth Drive, Elgin, Texas. Detective Staha told me that Julian Bautista resided at 23007 Beth Drive, Elgin, Texas (Investigators learned that Bautista was Hernandez' Source of Supply for cocaine after detectives identified Bautista's residence during a surveillance). Surveillance subsequently observed Bautista and another Hispanic male (later identified as Juan Morales) travel away from the residence after the CI agreed to meet Hernandez at the International apartments.

Surveillance followed Bautista and Morales in a black Ford Truck to the International Residence Apartments. Detective Staha directed the CI to go to the International Residence apartment complex where he/she met with Hernandez and Bautista inside a vacant apartment. Bautista and Hernandez displayed one kilo of cocaine to the CI and informed him/her that another kilo of cocaine was available. The CI told Bautista and Hernandez that he/she would leave to obtain the money for two kilos of cocaine. Surveillance followed and met with the CI after he/she drove away from the apartment complex.

Investigators continued their surveillance around the apartment complex until detectives observed Bautista and Morales enter the black Ford truck. Afterwards, detectives and police officers arrested Bautista and Morales from the Ford truck. Officers searched the truck and seized approximately two kilos of cocaine and a loaded 9mm handgun. Investigators also arrested Hernandez in close proximity of Bautista, Morales and the Ford truck inside the apartment complex. Hernandez attempted to flee on foot when police observed Hernandez destroy his phone. Police ultimately apprehended Hernandez within the apartment complex.

Bautista cooperated and consented to a search of his residence located at 23007 Beth Drive, Elgin, Texas. During the search of the residence, detectives seized a kilo of cocaine, a loaded pistol, an undetermined amount of US currency and three vehicles. During Bautista's interview, Bautista admitted to his role as a cocaine source of supply for Hernandez.

Hernandez and Morales also cooperated and consented to a search of their respective residences where investigators seized smaller quantities of cocaine from both locations. During their interviews, Hernandez and Morales subsequently admitted to facilitating the delivery of cocaine to the CI.

Detective Brian Crissman field tested all of the seized cocaine (a total of approximately 3 kilos) that presumptively tested positive for cocaine.

Based on the facts set forth in this attachment, I believe that there is probable cause to believe that Rene Hernandez, Julian Bautista and Juan Morales conspired with others known and unknown to possess with the intent to distribute cocaine in violation of Title 21 USC 841 (a)(1) and 846.